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Jack L. Ordy, Jr. 42-084
Name of Attorney/Agent Registration No.
Signature of Attorney or Agent

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APR 30 2004

P&G Case 9595

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In the application of

Mark J. Kline et al.

Serial No. 10/811,695

Filed March 29, 2004

: Confirmation No.

: Group Art Unit

: Examiner

For **Disposable Absorbent Article Having Co-Elongation**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made on the attached Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. 37 C.F.R. §1.97(b)(1) - U.S. Direct (use when filing IDS with nonprovisional patent application, or with Request for Continued Examination (RCE); or within 3 months of filing a nonprovisional patent application)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(1), is being filed with the patent application, with a Request for Continued Examination or within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. **37 C.F.R. §1.97(b)(3)** - (use when filing IDS more than 3 months after filing a nonprovisional patent application, but prior to receipt of first Office Action)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter (or a fee transmittal form) is enclosed to facilitate charging of the fee, if necessary.

3. **37 C.F.R. §1.97(b)(4)** - (use when filing IDS prior to receipt of first Office Action after the filing of a Request for Continued Examination (RCE) under §1.114)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(4). Applicants have not received a first Office Action after filing a Request For Continued Examination (RCE). Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter (or a fee transmittal form) is enclosed to facilitate charging of the fee, if necessary.

4. **37 C.F.R. §1.97(c) with fee payment** - (use when filing IDS after receipt of first Office Action, and before receipt of Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter (or a fee transmittal form) is enclosed to facilitate the charging of the fee.

5. **Information to be Considered with Continued Prosecution Application (CPA) Filing (use when filing IDS with a Continued Prosecution Application (CPA) for Design Case)**. This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 C.F.R. 1.53(d).

ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:

(2) (For use with applications filed after June 30, 2003.) In accordance with 37 C.F.R. §1.98(a)(2), Applicants are submitting copies of foreign patent documents and non-patent literature.

OR

(3) All of the cited references were previously cited by or submitted to the USPTO in prior application Case No. ____, U.S. Patent Application Serial No. ___, filed ___. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

OR

(4) Copies of all said documents, except Cite Numbers _____, were submitted and considered in parent application U.S. Patent Application Serial No. _____, filed _____. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of references not previously submitted are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

(5) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

(6) Applicants also respectfully request the Examiner to consider and make of record the co-pending applications listed on the attached page.

Additional information is attached.

Respectfully submitted,

By

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Date: 4/28/04
Customer No. 27752
(IDS.doc) (Last Revised 10/10/03)

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PTO/SB08A (08-03)

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

COMPLETE IF KNOWN

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|------------------------|----------------|
| Application Number | 10/811,695 |
| Confirmation Number | |
| Filing Date | March 29, 2004 |
| First Named Inventor | Mark J. Kline |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 9595 |

SHEET 1 of 2

U. S. PATENT DOCUMENTS

| EXAMINER INITIALS* | Cite No. ¹ | DOCUMENT NUMBER Number - Kind Code ² (If known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|--|
| | | US-3,848,594 | 11-19-1974 | Buell | |
| | | US-3,860,003 | 01-14-1975 | Buell | |
| | | US-4,610,678 | 09-09-1986 | Weisman et al. | |
| | | US-4,662,875 | 05-05-1987 | Hirotsu et al. | |
| | | US-4,673,402 | 06-16-1987 | Weisman et al. | |
| | | US-4,699,622 | 10-13-1987 | Toussant et al. | |
| | | US-4,834,735 | 05-30-1989 | Alemany et al. | |
| | | US-4,846,815 | 07-11-1989 | Scripps | |
| | | US-4,888,231 | 12-19-1989 | Angstadt | |
| | | US-4,892,536 | 01-09-1990 | DesMarais et al. | |
| | | US-4,894,060 | 01-16-1990 | Nestegard | |
| | | US-4,940,484 | 07-10-1990 | Van Gompel et al. | |
| | | US-4,946,527 | 08-07-1990 | Battrell | |
| | | US-4,963,140 | 10-16-1990 | Robertson et al. | |
| | | US-4,990,147 | 02-05-1991 | Freeland | |
| | | US-5,037,416 | 08-06-1991 | Allen et al. | |
| | | US-5,092,861 | 03-03-1992 | Nomura et al. | |
| | | US-5,137,537 | 08-11-1992 | Herron et al. | |
| | | US-5,147,345 | 09-15-1992 | Young et al. | |
| | | US-5,151,092 | 09-09-1992 | Buell | |
| | | US-5,156,793 | 10-20-1992 | Buell et al. | |
| | | US-5,167,897 | 12-01-1992 | Weber et al. | |
| | | US-5,221,274 | 06-22-1993 | Buell | |
| | | US-5,242,436 | 09-07-1993 | Weil et al. | |
| | | US-5,246,433 | 09-21-1993 | Hasse et al. | |
| | | US-5,260,345 | 11-09-1993 | DesMarais et al. | |
| | | US-5,269,775 | 12-14-1993 | Freeland et al. | |
| | | US-5,342,338 | 08-30-1994 | Roe | |
| | | US-5,387,207 | 02-07-1995 | Dyer et al. | |
| | | US-5,397,316 | 03-14-1995 | LaVon et al. | |
| | | US-5,499,978 | 03-19-1996 | Buell et al. | |
| | | US-5,507,736 | 04-16-1996 | Clear et al. | |
| | | US-5,554,143 | 09-10-1996 | Roe et al. | |
| | | US-5,554,144 | 09-10-1996 | Roe et al. | |
| | | US-5,554,145 | 09-10-1996 | Roe et al. | |
| | | US-5,556,394 | 09-17-1996 | Roe et al. | |
| | | US-5,569,232 | 10-29-1996 | Buell et al. | |
| | | US-5,569,234 | 10-29-1996 | Buell et al. | |
| | | US-5,571,096 | 11-05-1996 | Dobrin et al. | |
| | | US-5,575,783 | 11-19-1996 | Clear et al. | |
| | | US-5,580,411 | 12-03-1996 | Nease et al. | |
| | | US-5,591,152 | 01-07-1997 | Buell et al. | |
| | | US-5,625,222 | 07-22-1997 | DesMarais et al. | |
| | | US-5,749,866 | 05-12-1998 | Roe et al. | |
| | | US-5,865,823 | 02-02-1999 | Curro | |
| | | US-5,876,391 | 03-02-1999 | Roe et al. | |
| | | US-5,897,545 | 04-27-1999 | Kline et al. | |
| | | US-5,904,673 | 05-18-1999 | Roe et al. | |

| | | |
|--------------------|------------|-------------------|
| US-5,916,663 | 06-29-1999 | Chappell et al. |
| US-5,957,908 | 09-28-1999 | Kline et al. |
| US-6,004,306 | 12-21-1999 | Robles et al. |
| US-6,107,537 | 08-22-2000 | Elder et al. |
| US-6,120,487 | 09-19-2000 | Ashton |
| US-6,120,489 | 09-19-2000 | Johnson et al. |
| US-6,325,787 | 12-04-2001 | Roe et al. |
| US-6,432,098 | 08-13-2002 | Kline et al. |
| US-6,503,236 | 01-07-2003 | Uitenbroek et al. |
| US-6,552,245 | 04-22-2003 | Roessler et al. |
| US-6,585,713 | 07-01-2003 | LeMahieu et al. |
| US-2003/0233082 A1 | 12-18-2003 | Kline et al. |
| US-2003/0088228 A1 | 05-08-2003 | Desai et al. |
| US- | | |

FOREIGN PATENT DOCUMENTS

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1'Applicant's unique citation designation number (optional). ²See Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter the Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.